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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,203	09/21/2005	Richard E Tateson	36-1920	1216
23117 7590 06/12/2007 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER HWA, SHYUE JIUNN	
			ART UNIT 2163	PAPER NUMBER
			MAIL DATE 06/12/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/550,203	Applicant(s) TATESON ET AL.	
	Examiner James Hwa	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/8/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-26 are pending in this office action. This action is responsive to Applicant's application filed on 9/21/2005.

Information Disclosure Statement

2. The Applicants' Information Disclosure Statements, filed on June 8, 2006, has been received and entered into the record. Since the Information Disclosure Statements complies with the provisions of MPEP § 609, the references cited therein have been considered by the examiner. See attached forms PTO-1449. A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim.

Claim Objections

3. Claims 2, 3, 6, 10, 14, 22 and 25 are objected to under 37 CFR 1.75(c) as being in improper form because each claim does not ends with a period.

See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on a separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP 608.01(i)-(p).

Claim 5 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 5 depend on themselves. See MPEP § 608.01(n).

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Accordingly, the claim 5 not been further treated on the merits. In this case, Examiner treats claim 5 depends on claim 1.

Claim 8 is objected to because of the following informalities: The word "initialise" in line 3 of the instant claim. This word is unclear whether what it means. Applicant should explain clearly the meaning of this word to which applicant regards as the invention. Appropriate correction is required.

Claim 17 is objected to because of the following informalities: The sentence "A method according to claim claim 9" in line 1 of the instant claim. This sentence is unclear whether what it means. Applicant should explain clearly the meaning of this sentence to which applicant regards as the invention. Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of the title.

4. Claims 24 and 26 are rejected under 35 U.S.C.101 because the language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practice application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C 101.

Claim 24 recite 'A computer program for performing the method'.

The claim 24 lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a

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series of steps or act to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Descriptive material can be characterized as either “functional descriptive material” or “nonfunctional descriptive material.” Both types of “descriptive material” are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Merely claiming nonfunctional descriptive material, i.e., abstract ideas stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because “[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.”).

As regarding claim 26:

The claim fail to place the invention squarely within one statutory class of invention. On page 10, line 36, page 11, line 7 and page 20, line 28 of the instant specification, applicant has provided evidence that applicant intends the “medium” to include signals. As such, the claim is drawn to a form of energy. Energy is not one of

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the four categories of invention and therefore this claim(s) is/are not statutory. Energy is not a series of steps or acts and thus is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not a combination of substances and therefor not a composition of matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Kramer et al. (US Patent No. 6,327,574 B1, hereinafter "Kramer").

As to claim 1

Kramer teaches

"Apparatus for selecting items from a product database" as a system, method, architecture and various software products that can augment structured documents that are received and reviewed online by a consumer using historical behavioral information (column 2, lines 38-41).

"a display database for storing a set of display items, data-storage means for storing attribute data items each associated with one or more of the display items" as the variable content sections are tagged with variables or expressions, which are evaluated in the context of a client database to produce a description of the actual content to display in that section (column 7, lines 60-63).

Kramer further teaches these selectable content tags will include information which is evaluated with respect to the individual consumer's profile to produce a set of options for which content to present together, with criteria for determining a measure of appropriateness of each option depending on the attributes of an individual viewer (column 8, lines 25-31).

"data-storage means for storing a score value for each attribute data item" as the Illumination Sorter selects and sorts a set of illuminations by measuring each against the data sources, using the matching subsystem to compute a match score for each illumination. Illuminations whose match score is above a threshold associated with each illumination are selected; the selected illuminations are ordered by their match score to form the sorted illumination list (column 23, lines 15-22).

"means for displaying a subset of the display items selected from the display database" as for each variable content section, selecting a subset of the content alternatives for augmenting the section by evaluating the content alternatives with respect to a consumer profile of the consumer, ordering the subset of content alternatives into an order (claim 1; see also figures 3B, 4 and 5).

Kramer further teaches display methods in an illumination process, which augments structured documents being electronically delivered to the consumer with the conditional content, allow for the consumer to view the most appropriate piece of content first, followed by the next most appropriate piece of content if the consumer so indicates, and so forth (column 3, lines 1-7).

“means for amending the score values in response to the user inputs means for retrieving, from the data-storage means, attribute data items associated with any display item means for retrieving from the display database” as the primary purpose of the TIC data servers are to serve as a repository of software and domain specific data related to the subject matter of reports, such as product descriptions and vendor contact information. These are represented as standard relational databases with standard web-based interfaces used to populate, query, and modify them. Specifically, there are four types of servers managed by the TIC operator (column 17, lines 53-60).

Kramer further teaches the Illumination Sorter sorts the selected illuminations in an order determined via a match score computed from the three data sources. The sorted illuminations are then presented to an Illumination Display subsystem for presentation to the consumer (column 21, lines 56-61).

“one or more display items selected in accordance with the score values associated with attribute data items” as the Illumination Sorter includes a Boolean Matching and Metric Matching. The Boolean Matching evaluates the Boolean query used to select all illuminations that do meet the query constraints with respect to the facts in the database or abstracted data from the attribute vector via the Boolean Abstractor (column 23, lines 41-46).

“output means for displaying an output identifying the selected further second display item or items” as all illuminations for which the Boolean query evaluates to TRUE are selected from the set of illuminations. The meaning of this result is that such illuminations do match facts or data descriptive of the transactions, interests,

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preferences, or demographics of the consumer whose computer will potentially be selected for display (column 23, lines 48-53).

Kramer also teaches the merchant chooses to make use of the hierarchical structure of the attribute vector to effect a hierarchical discrimination of its content. The first illumination candidates transmitted to the consumer's computer. These illuminations will be processed by the Illumination Sorter to determine which categories are most relevant to the consumer. The most relevant illumination will be displayed initially in the illuminated document, with the selected ones of the remaining illumination candidates available to the consumer via the content rotator, and ordered by their relevancy (e.g. match scores) (column 32, lines 45-57).

Kramer further teaches the merchant is now aware of the consumer's interest in children's books, but still does not know which sub-category of children is appropriate. Thus, the second set of candidate illuminations is directed to specific sub-categories within the children category (column 33, lines 4-9)

As to claim 2

Kramer teaches

"input means for receiving a user input identifying a first display item selected from the displayed subset, and wherein the score values for each attribute data item can be altered in response to such user interaction" as all of the foregoing testing of illuminations and generation of match scores occurs entirely under the control of the consumer's computer, and thus without the providers of the illuminations having any

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access to the highly sensitive and private information about the consumer that is contained in the database(column 23, lines 23-28).

Kramer further teaches each element in the attribute vector represents a consumer preference, interest, psychographic, demographic aspect, or alternatively, the probability the consumer is interested in a specific topic, category, and the like. These attributes are updated as a function of a measure of relevancy of a transaction to each attribute (column 24, lines 41-46).

As to claim 3

Kramer teaches

“the means for retrieval operate on the basis of assigning an aggregate score to each display item based on the current score values of attribute data items associated with that display item” as the consumer profile update process analyzes each newly interpreted transaction, in particular, product or merchant profile, time of transaction and transaction amount to produce a refined profile. Typically, this process will depend on more than the current profile and the new transaction. It will probably also require the maintenance of aggregates and other summary data about the profile and transaction histories over various time intervals (column 11, lines 43-49).

As to claim 4

Kramer teaches

“the means for retrieval comprises means for generating a probabilistic function, such that the current aggregate score of a display item determines the probability of its

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selection” as in general, the greater the correlation between a consumer profile and a product profile at a given time, the greater will be the expected appeal of the product to the consumer. An appeal function is a procedure that computes the appeal of a given product to a given consumer as a function of the consumer and product profiles. For example, an appeal function may be based on a generalized inner product of the consumer and appeal profile, e.g. a weighted sum of the results of multiplying each corresponding pair of characteristic values (column 11, lines 12-20).

Kramer further teaches the consumer attributes are updated by the relevancy of individual transactions. Relative relevancy of transactions, and the probabilities of transactions occurring or not occurring may also be used to update the attributes (column 3, lines 34-37).

As to claims 5 and 17

Kramer teaches

“provision is made for users to input both positive and negative reward values” as when presenting a form to a user, TIC can treat it as a template in which the input fields of the form are treated as expressions which evaluate to the corresponding user data (column 9, lines 28-31).

As to claim 6

Kramer teaches

“the data storage means comprises means for storing real value weights associating attribute data items with display items” as the consumer and viewer models

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are represented as weight vectors over component attributes while the consumer profile depends on all observations and transaction reports (column 15, lines 10-14).

Kramer further teaches when the aggregated attributes from the attribute vector are involved; the aggregated value is a weighted and normalized sum of a number of attribute values (column 28, lines 61-63).

As to claims 7 and 20

Kramer teaches

“the display includes non-visual elements” as the page illuminator operates on a parsed page. It generates a list of the illumination forms, i.e. the forms with XML tags specifying TIC illumination. It then passes that list to the selection engine, which is inside Page Illuminator, to choose the actual content (possibly the empty content) to substitute for each illumination form (column 17, lines 40-45).

As to claim 8

Kramer teaches

“user profile generation and retrieval means for recording attribute data associated with inputs made by individual users and using the attribute data to initialise further sessions operated by the same users” as the consumer attributes may be defined in a hierarchical model, with aggregated attributes having values derived from lower level attributes (either themselves aggregated, or base level attributes). In this way arbitrarily complex queries can be evaluated against the model to target very specific consumers. The hierarchical model further allows recursive selection of

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conditional content, with initial selection of content using higher levels of aggregated attributes, and subsequent selection using a combination of lower levels of attributes on which the higher levels are based and consumer expression of interest in each level of selected content (column 3, lines 22-31).

As to claims 9 and 24

Kramer teaches

“A method of selecting items from a database” as a method, architecture and various software products that can augment structured documents that are received and reviewed online by a consumer using historical behavioral information (column 2, lines 38-41).

“displaying a set of display items selected from a display database, storing attribute data items each associated with one or more of the display items” as display methods in an illumination process, which augments structured documents being electronically delivered to the consumer with the conditional content, allow for the consumer to view the most appropriate piece of content first, followed by the next most appropriate piece of content if the consumer so indicates, and so forth (column 3, lines 1-7).

Kramer further teaches the consumer attributes may be defined in a hierarchical model, with aggregated attributes having values derived from lower level attributes. In this way arbitrarily complex queries can be evaluated against the model to target very specific consumers (column 3, lines 22-27).

“storing a score value for each of the attribute data items, updating the display at intervals with new display items receiving an input identifying a first display item selected from the set of displayed items” as the Illumination Sorter then uses data from three data sources to do two things. First, it selects a set of illuminations that match either facts about the consumer in the database or the consumer's attribute vector well enough. Second, the Illumination Sorter sorts the selected illuminations in an order determined via a match score computed from the three data sources. The sorted illuminations are then presented to an Illumination Display subsystem for presentation to the consumer (column 21, lines 51-60).

“retrieving, from the data-storage means, attribute data items associated with the display item identified in the user input, updating the score values of attribute data items in response to user input continuing to update the display at intervals using the updated score values of attribute data items to bias the selection process” as when presenting a form to a user, TIC can treat it as a template in which the input fields of the form are treated as expressions which evaluate to the corresponding user data (column 9, lines 28-31).

Kramer further teaches a method of updating a model of consumer attributes, comprising: retrieving a plurality of transactions; determining a measure of relevancy of each transaction to at least one attribute of a consumer responsive to a conditional probability of each transaction occurring given a value of the attribute; and updating the at least one attribute as a function of the relevancy of each of the plurality of transactions (claim 15).

As to claim 10

Kramer teaches

“the items selected for display are selected according to a process which uses the attribute data item scores to bias a probabilistic selection across the display items” as the consumer attributes are updated by the relevancy of individual transactions. Relative relevancy of transactions, and the probabilities of transactions occurring or not occurring may also be used to update the attributes (column 3, lines 34-37).

As to claim 11

Kramer teaches

“each attribute data item has a score value which is altered according to user interaction with display items” as Illumination is the process of annotating or replacing sections of documents or other media with (possibly) related multimedia content. Typically the new content expands on the information in the original content and/or provides a more interesting presentation of the information (column 6, lines 22-26).

Kramer further teaches the maintenance of the consumer profile is an on-going iterative process (column 11, lines 37-38).

As to claim 12

Kramer teaches

“each display item is associated with a number of attribute data items, and where an aggregate score is created for that display item, using the score values of associated

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attribute data items” as the Illumination Sorter selects and sorts a set of illuminations by measuring each against the data sources, using the matching subsystem to compute a match score for each illumination. Illuminations whose match score is above a threshold associated with each illumination are selected; the selected illuminations are ordered by their match score to form the sorted illumination list (column 23, lines 15-22).

As to claim 13

Kramer teaches

“one or more of the display items may be selected using a probabilistic function, such that the aggregate score of claim 10 determines the probability of its selection” as each element in the attribute vector 808 represents a consumer preference, interest, psychographic, demographic aspect, or alternatively, the probability the consumer is interested in a specific topic, category, and the like. These attributes are updated as a function of a measure of relevancy of a transaction to each attribute (column 24, lines 41-46).

Kramer further teaches those illuminations with higher priorities will appear earlier in the sorted illumination list. If no data from the attribute vector is used in the matching process, the priority assigned to the query is the match score produced by the matching subsystem (column 23, lines 58-62).

As to claim 14

Kramer teaches

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“user-generated reward values in respect of selected display items are used to generate associated score values for the attribute data items associated with the display item, the score values being used to create an aggregate score for associated display items and hence bias the probabilistic selection process” as this abstraction process may be repeated as needed at further levels of abstraction, wherein one hierarchical vector is used as the base level vector for another hierarchical vector (column 22, lines 40-43).

Kramer also teaches each element in the attribute vector represents a consumer preference, interest, psychographic, demographic aspect, or alternatively, the probability the consumer is interested in a specific topic, category, and the like. These attributes are updated as a function of a measure of relevancy of a transaction to each attribute (column 24, lines 41-46).

Kramer further teaches the a priori probability values may be determined by statistical analysis of large amounts of blinded data, but are then used to refine specific consumer models (column 28, lines 53-55).

As to claim 15

Kramer teaches

“the attribute data items are associated with the display items using real-value weights which modify the generation of score values and the creation of an aggregate score” as the characteristic values for an object will be represented as a vector of real

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numbers where each value measures the degree to which the corresponding characteristic applies to the consumer or product (column 11, lines 1-4).

As to claim 16

Kramer teaches

“the changes to attribute data item score values are so arranged that the sum of score values across all attribute data items is zero” as the illumination contains a relevancy vector, to indicate which elements of the target vector are important. If an element of the relevancy vector is set to zero, the attribute represented by the element is of no interest in the matching; if set to 1, it is completely of interest. A relevancy vector value may vary between 0 and 1, indicating that the attribute is of any arbitrary level of interest (column 24, lines 17-24).

As to claim 18

Kramer teaches

“reward values may accrue not only to attribute data items associated with a display item selected by the user, but also to attribute data items associated with display items which were available for selection in competition with the selected item either by being simultaneously present on the display means or by having been recently displayed” as the range of selectable content for a web page or other structured document is unlimited. This application can be used for example to implement a personalized web based magazine where articles are chosen and presented according to the viewer's interests and preferences. This application can also be used to allow

very accurate targeting and personalization of advertisements and other kinds of commercial offers (column 9, lines 18-25).

As to claim 19

Kramer teaches

“the reward accrued by attribute data items due to association with non-selected display items is negative where the selected display item reward is positive, and positive where the selected display item reward is negative” as when the aggregated attributes from the attribute vector are involved, the aggregated value is a weighted and normalized sum of a number of attribute values. FIGS. 13a and 13b depicts tables showing conditional probability metadata (column 28, lines 59-65; see also fig. 13A and 13B).

As to claim 21

Kramer teaches

“user profiles are generated using the attribute data associated with the selections made by individual users” as the consumer profile is continually updated with information extracted from electronically delivered structured documents and from consumer behavior such as selection of content, and thus reflects an accurate and current assessment of the consumer's interests, preferences, and demographics (column 3, lines 10-14).

As to claim 22

Kramer teaches

"a further set of display items exists which is not selectable by the user for amending the score values, the further display items being associated with attribute data items drawn from a set wholly or partly overlapping with the set of attribute data items associated with the interactive display items, the further display items being selected, according to the associated attribute data items, for display on a separate display means, or on a separate part of the display means used for interactive display items" as the TIC client service evaluates the list of queries against the consumer model in the client database to select the most relevant selection and requests the targeted URL server to send the URL associated with the selection. The targeted URL server also logs the selection with the accounting server for accounting and billing purposes (column 19, lines 7-13).

Kramer also teaches client service gives control back to browser which displays the page by resolving the URLs placed by the client service. The content for these URLs are resolved from illumination servers (column 19, lines 13-17).

Kramer further teaches for given a illuminable element, factors influencing the choice might include the appeal of the content based on one or several active consumer models, frequency constraints or requirements for a given choice of content, vendor preferences of TIC, the owner of the page, and the owner of a given element (column 20, lines 44-49).

As to claim 23

Kramer teaches

“a user may initiate a further type of interaction, such as purchase or request for further information, by selection of display items” as the use of policies further extends the opportunities for controlled targeting of promotional information, since each section of a structured document may have policies that differently influence the selection of content alternatives relative to a consumer's profile (column 7, lines 40-44).

Kramer further teaches in this way arbitrarily complex queries can be evaluated against the model to target very specific consumers. The hierarchical model further allows recursive selection of conditional content, with initial selection of content using higher levels of aggregated attributes, and subsequent selection using a combination of lower levels of attributes on which the higher levels are based and consumer expression of interest in each level of selected content (column 3, lines 25-32).

As to claim 25

Kramer teaches

“A computer program product directly loadable into the internal memory of a computer, comprising software code portions for performing the steps of the method of claim 9 when the product is run on a computer” as a local access device with local memory, computing capability, persistent storage, a display, and a network connection (column 5, lines 5-7).

As to claim 26

Kramer teaches

"A computer program product stored on a computer usable medium" as the Java programming language illustrate one embodiment for Bayesian updating by the mapping subsystem (column 25, lines 34-36).

"computer-readable program means for causing a computer to generate a display of a set of display items selected from a display database, computer-readable program means for causing the computer to store a set of attribute data items each associated with one or more of the display items computer-readable program means for causing the computer to respond to an input identifying a first display item, selected from the currently displayed set, computer-readable program means for causing the computer to retrieve, from the data-storage means, attribute data items associated with the display item identified in the user input, computer-readable program means for causing the computer to select one or more further display items associated with the retrieved attribute data items, and computer-readable program means for causing the computer to generate a display of the selected further display item" as the Illumination Sorter selects and sorts a set of illuminations by measuring each against the data sources, using the matching subsystem to compute a match score for each illumination. Illuminations whose match score is above a threshold associated with each illumination are selected; the selected illuminations are ordered by their match score to form the sorted illumination list (column 23, lines 15-22).

Kramer also teaches the variable content sections are tagged with variables or expressions, which are evaluated in the context of a client database to produce a description of the actual content to display in that section (column 7, lines 60-63).

Kramer further teaches the database contains facts derived from the consumer's transactions, plus relevant metadata cached after retrieval from the metadata server. The mapping subsystem has updated the fields of the attribute vector, and the Boolean Abtractor provides additional Boolean functions that may be used in matching vectors associated with received conditional content against the consumer's attribute vector (column 23, lines 6-14).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant' disclosure.

Bryan et al. (US Patent 6,664,980 B2).

Fables et al. (US Patent 6,895,406 B2).

Prince (US Patent 6,877,002 B2).

Kummamurn et al. (US Patent 7,219,105 B2).

Strubbe et al. (US Patent 5,469,206 A).

Micaelian et al. (US Patent 6,714,929 B1).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Hwa whose telephone number is 571-270-1285. The examiner can normally be reached on 8:00 – 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

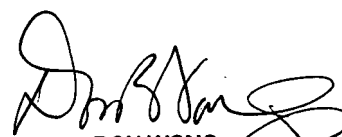
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only, for more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the PAIR system contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JH
5/30/2007

James Hwa
Examiner
Art Unit 2163



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